

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

CHRIS D. CUNNINGHAM,

Plaintiff,

vs.

REA MAGNET WIRE COMPANY, INC.,

Defendant.

)
)
)
)
)
)
)
)
)
)

Case No. 1:21-CV-00120

NOTICE OF REMOVAL

Defendant, Rea Magnet Wire Company Inc. (“Rea”), files notice to remove an action pending against it in state court to this Court pursuant to 28 U.S.C. §§ 1441, and 1446. In support of this removal, Rea shows the Court that:

1. On March 15, 2021, an action was commenced against Rea in the Allen County Superior Court, Allen County, Indiana, by Chris D. Cunningham. That action bears the same title as above and is docketed in the Allen Superior Court as Cause No. 02D02-2103-PL-000110.

2. On March 19, 2021, the Complaint and Summons in the state court action were served by certified mail upon Rea’s registered agent. Copies of the Complaint and Summons are attached as Exhibits A and B, respectively. Other documents filed in the state court (including an Appearance by Plaintiff’s counsel, a Certificate of Issuance of Summons, an Order Setting Case Management Conference, and an Appearance by counsel for Rea) are attached as Exhibit C. To Rea’s knowledge no other pleadings or papers have been filed with the state court in this action.

3. The action in state court is one over which this Court has original jurisdiction under the provisions of 28 U.S.C. § 1331 because it involves a claim that arises under the Age Discrimination in Employment Act of 1967 (“ADEA”), 29 U.S.C. § 621 *et seq.* It is removable to this Court pursuant to 28 U.S.C. § 1441(b).

WHEREFORE, Defendant, Rea Magnet Wire Company Inc., files this Notice of Removal so that the entire state court action under Cause No. 02D02-2103-PL-000110 now pending in the Superior Court of Allen County, Indiana, be removed to this Court for all further proceedings.

Respectfully submitted,

QUARLES & BRADY LLP

/s/ Edward E. Hollis

Edward E. Hollis (#19402-49)

Leeann P. Simpkins (#30799-29

*Attorneys for Defendant,
Rea Magnet Wire Company Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on March 24, 2021, a copy of the foregoing *Notice of Removal* was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system and by placing a copy in the US Mail. Parties may access this filing through the CM/ECF system.

John C. Theisen
Nathaniel O. Hubley
THEISEN & ASSOCIATES, LLC
810 S. Calhoun Street, Suite 200
Fort Wayne, IN 46802

/s/ Edward E. Hollis
Edward E. Hollis

QUARLES & BRADY LLP
135 N. Pennsylvania Street
Suite 2400
Indianapolis, IN 46204
Tel: 317-957-5000
Fax: 317-957-5010
Edward.hollis@quarles.com
Leeann.simpkins@quarles.com

QB\67543892.1